



U.S. Department of Justice

Antitrust Division

Liberty Square Building

*450 5th Street, N.W.
Washington, DC 20001*

January 21, 2020

The Honorable Analisa N. Torres
United States District Judge
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street
New York, NY 10007-1312
Torres_NYSDChambers@nysd.uscourts.gov

Re: United States v. Paramount Pictures, Inc., et al. Case No.: 1:19-mc-00544-AT

Dear Judge Torres:

The United States respectfully seeks this Court's permission to file a reply brief to the amicus briefs filed by the National Association of Theatre Owners ("NATO") and the Independent Cinema Alliance ("ICA") in the above-captioned action.

NATO and ICA misstate the legal standard that applies to the termination of antitrust consent decrees where all the parties to the decrees (including the United States) consent to the proposed termination, and the decrees themselves do not contain an express provision setting forth a higher standard of review. Additionally, NATO and ICA misapply the public interest standard in general, and with respect to consent decrees where the antitrust violation underlying the decree is an illegal agreement among competitors in violation of Section One of the Sherman Act (as here), as opposed to unilateral conduct in violation of Section Two of the Sherman Act. Finally, NATO and ICA misconstrue the government's investigation and its evidentiary burden under the public interest standard.

For these reasons, the United States respectfully requests that this Court set a schedule for the United States and any other party to submit briefs in response to NATO's and ICA's amicus briefs.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Mark A. Merva", is written over a horizontal line.

Mark A. Merva
United States Department of Justice
Antitrust Division